

1-1 By: Phillips (Senate Sponsor - Whitmire) H.B. No. 694
1-2 (In the Senate - Received from the House May 10, 2013;
1-3 May 10, 2013, read first time and referred to Committee on Criminal
1-4 Justice; May 17, 2013, reported favorably by the following vote:
1-5 Yeas 7, Nays 0; May 17, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Whitmire	X		
1-9	Huffman	X		
1-10	Carona	X		
1-11	Hinojosa	X		
1-12	Patrick	X		
1-13	Rodriguez	X		
1-14	Schwertner	X		

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to access by certain military personnel to juvenile and
1-18 criminal history information.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 58.204(b), Family Code, is amended to
1-21 read as follows:

1-22 (b) On certification of records in a case under Section
1-23 58.203, the department may permit access to the information in the
1-24 juvenile justice information system relating to the case of an
1-25 individual only:

1-26 (1) by a criminal justice agency for a criminal
1-27 justice purpose, as those terms are defined by Section 411.082,
1-28 Government Code; ~~or~~

1-29 (2) for research purposes, by the Texas Juvenile
1-30 Justice Department ~~[Probation Commission, the Texas Youth~~
1-31 ~~Commission,]~~ or the Criminal Justice Policy Council; or

1-32 (3) with the written permission of the individual, by
1-33 military personnel, including a recruiter, of this state or the
1-34 United States if the individual is an applicant for enlistment in
1-35 the armed forces.

1-36 SECTION 2. Section 58.207, Family Code, is amended by
1-37 amending Subsection (a) and adding Subsection (c) to read as
1-38 follows:

1-39 (a) On certification of records in a case under Section
1-40 58.203, the juvenile court shall order:

1-41 (1) that the following records relating to the case
1-42 may be accessed only as provided by Section 58.204(b):

1-43 (A) if the respondent was committed to the Texas
1-44 Juvenile Justice Department ~~[Youth Commission]~~, records maintained
1-45 by the department ~~[commission]~~;

1-46 (B) records maintained by the juvenile probation
1-47 department;

1-48 (C) records maintained by the clerk of the court;

1-49 (D) records maintained by the prosecutor's
1-50 office; and

1-51 (E) records maintained by a law enforcement
1-52 agency; and

1-53 (2) the juvenile probation department to make a
1-54 reasonable effort to notify the person who is the subject of records
1-55 for which access has been restricted of the action restricting
1-56 access and the legal significance of the action for the person, but
1-57 only if the person has requested the notification in writing and has
1-58 provided the juvenile probation department with a current address.

1-59 (c) Notwithstanding Subsection (b) of this section and
1-60 Section 58.206(b), with the written permission of the subject of
1-61 the records, an agency under Subsection (a)(1) may allow military

2-1 personnel, including a recruiter, of this state or the United
2-2 States to access juvenile records in the same manner authorized by
2-3 law for records to which access has not been restricted under this
2-4 section.

2-5 SECTION 3. Subchapter F, Chapter 411, Government Code, is
2-6 amended by adding Section 411.1410 to read as follows:

2-7 Sec. 411.1410. ACCESS TO CRIMINAL HISTORY RECORD
2-8 INFORMATION: UNITED STATES ARMED FORCES. (a) In this section,
2-9 "agency of the United States armed forces" means the United States
2-10 Army, the United States Navy, the United States Marine Corps, the
2-11 United States Coast Guard, or the United States Air Force.

2-12 (b) Subject to Subsection (c), an agency of the United
2-13 States armed forces, including a recruiter for the agency, is
2-14 entitled to obtain from the department criminal history record
2-15 information maintained by the department that relates to a person
2-16 who is an applicant for enlistment in the United States armed
2-17 forces.

2-18 (c) An agency of the United States armed forces is entitled
2-19 to criminal history record information under Subsection (b) only if
2-20 the agency submits to the department a signed statement from the
2-21 applicant that authorizes the agency to obtain the information.

2-22 (d) Criminal history record information obtained by an
2-23 agency of the United States armed forces under Subsection (b) may
2-24 not be released to any person or agency except on court order or
2-25 with the consent of the person who is the subject of the criminal
2-26 history record information.

2-27 (e) An agency of the United States armed forces shall
2-28 destroy criminal history record information obtained under
2-29 Subsection (b) after the purpose for which the information was
2-30 obtained is accomplished.

2-31 SECTION 4. This Act takes effect immediately if it receives
2-32 a vote of two-thirds of all the members elected to each house, as
2-33 provided by Section 39, Article III, Texas Constitution. If this
2-34 Act does not receive the vote necessary for immediate effect, this
2-35 Act takes effect September 1, 2013.

2-36 * * * * *